

**PROPRIETARY MATERIAL NOT OPEN TO PUBLIC.
TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED PATENT AND
TRADEMARK OFFICE EMPLOYEE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 38777-0059

Applicant(s): Milan S. BLAKE *et al.*

Serial No.: To be assigned Examiner: To be assigned

Filing Date: October 3, 2003 Group Art Unit: To be assigned

Title: IMPROVED METHOD FOR THE PRODUCTION OF BACTERIAL
TOXINS

**PROPRIETARY INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and MPEP §724**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is a listing of a co-pending U.S. patent application:

SERIAL NO./ FILING DATE	TITLE
09/825,769 April 4, 2001	METHOD FOR THE PRODUCTION OF BACTERIAL TOXINS

Applicants consider the aforementioned documents and the disclosure of its existence as pending applications to constitute proprietary information. Accompanying this Proprietary Information Disclosure Statement is a transmittal letter indicating that the materials contained herein are proprietary, as required by MPEP §724.02.

Applicants respectfully request that the Examiner consider the foregoing information and provide in the next official communication the information set forth in MPEP §724.04(a), particularly the information under item (C), so that the Applicants

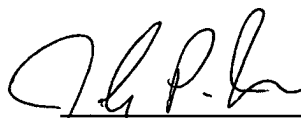
can, if appropriate, subsequently file a petition to expunge those materials, as provided according to MPEP §724.05.

This Proprietary Information Disclosure Statement is being filed under the provisions of 37 C.F.R. § 1.97(b) before the mailing of a first Office Action on the merits, therefore, no fee is due. However, in the event that the USPTO determines that a fee is due for the filing of this document, the Commissioner is hereby authorized to charge any such fee to Deposit Account No. 08-1641.

Respectfully submitted,

October 3, 2003
Date

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John P. Isacson
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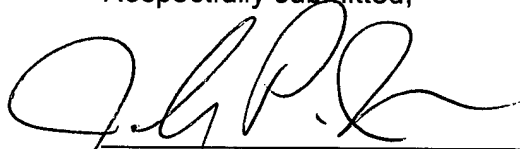
**TRANSMITTAL LETTER FOR
PROPRIETARY INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and MPEP §724**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a Proprietary Information Disclosure Statement submitting proprietary information to the Patent and Trademark Office in accordance with the requirements of 37 C.F.R. §1.56 and MPEP §724. Applicants respectfully request that the information be considered only by the Examiner in charge of the above-captioned application, or other authorized Patent and Trademark Office employee.

Respectfully submitted,



John P. Isacson
Attorney for Applicant
Registration No. 33,715
Customer No. 26633

October 3, 2003
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 38777-0059

Applicant(s): Milan S. BLAKE *et al.*

Serial No.: To be assigned

Examiner: To be assigned

Filing Date: October 3, 2003

Group Art Unit: To be assigned

Title: IMPROVED METHOD FOR THE PRODUCTION OF BACTERIAL
TOXINS

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents are being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

Applicants believe that the instant Information Disclosure Statement is being filed within three months of the filing date under 37 CFR §1.97(b)(1), therefore, no fee is required in connection with its filing.

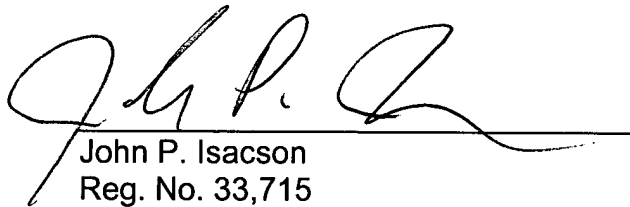
Applicants submit herewith on Form PTO/SB/08A, a listing of the documents cited by or submitted to the Patent Office in parent application Serial No. 09/825,770, filed April 4, 2001. The relevance of these prior art documents is explained in the parent application.

As provided in 37 C.F.R. §1.98(d), copies of the documents are not being provided since they were previously cited by or submitted to the Patent Office in parent application Serial No. 09/825,770 filed April 4, 2001.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

October 3, 2003
Date


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Sheet 1 of 1 Form PTO/SB/08A				ATTY DOCKET NO. 38777-0059		SERIAL NO. To be assigned	
LIST OF REFERENCES CITED BY APPLICANT(S)				APPLICANT(S) Milan S. BLAKE et al.			
				FILING DATE October 3, 2003		GROUP To be assigned	
				Date Submitted: October 3, 2003			
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	A01	DOCUMENT NUMBER	DATE (M/D/Y)	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	5,614,396	3/25/97	Bradley et al.			
	A02	5,789,215	8/4/98	Berns et al.			
	A03	4,950,599	8/21/90	Bertling			
	A04	5,460,941	10/24/95	Camerini-Otero et al.			
	A05	6,031,149	2/29/00	Chambon et al.			
	A06	5,272,071	12/21/93	Chappel			
	A07	5,777,195	7/7/98	Fienberg et al.			
	A08	5,612,205	3/18/97	Kay et al.			
	A09	6,015,676	1/18/00	Lin et al.			
	A10	5,616,491	4/1/97	Mak et al.			
	A11	5,557,032	9/17/96	Mak			
	A12	5,948,653	9/7/99	Pati et al.			
	A13	5,965,443	10/12/99	Reznikoff et al.			
	A14	4,965,205	10/90	Quentin-Millet et al.			
	A15	5,338,670	8/16/94	Sekura et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE (M/D/Y)	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	A16	Andresen	FEMS Immunology and Medical Microbiology 23: 295-301 (1999)				
	A17	Frohlich et al.	Journal of Biotechnology 39: 205-219 (1995)				
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.